



Southern Region **Review**



A Monthly Publication of the U.S. Army Southern Regional Environmental Office

November 2002

REGION 4 EDITION

CONTENTS

This publication provides current information on environmental actions and events in the Federal EPA Region 4 area (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) that may be relevant to U.S. Army activities and operations. Its purpose is to keep Army environmental decision-makers, planners and program managers abreast of developments important to their responsibilities. We encourage feedback and welcome suggestions for expanded or improved coverage. Please contact us at: U.S. Army Environmental Center, Southern Regional Environmental Office, Attn: SFIM-AEC-SR, 101 Marietta Street, NW, Suite 3120 Atlanta, GA 30303-2711 Phone 404-524-5061 x275 Fax 404-524-5162 or at sreo@sreo.army.mil. For additional sources of information, please contact the Army Environmental Center <http://aec.army.mil>

SOUTHERN REGIONAL ENVIRONMENTAL OFFICE PERSONNEL DIRECTORY

Main Office Number 404-524-5061

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ANNOUNCEMENTS



NOTE: The Southern Region Environmental Review is now available in an electronic version only. If you would like to be added to the mailing list, please contact us at environmental.specialist@sreo.army.mil.

REGION IV CONFERENCE PROCEEDINGS • Region IV proceedings are now available on the AEPI website. Just use the following website <http://www.aepi.army.mil> and look under events and click on Region 4 Environmental Conference.

Superfund Records of Decision Online • EPA has developed a new online database called "RODS", which contains full-text Superfund records of decision (ROD), abstracts, amendments, and explanations of significant differences (ESDs). A ROD provides the justification for the remedial action (treatment) chosen at a Superfund site. It also contains site history, site description, site characteristics, community participation, enforcement activities, past and present activities, contaminated media, the contaminants present, scope and role of response action, and the remedy selected for cleanup. RODS can be found at <http://cfpub.epa.gov/superrods/>

RODS Database. RODS contains full-text Records of Decision (RODs), ROD Abstracts, ROD Amendments, and Explanations of Significant Differences (ESDs). • A ROD provides the justification for the remedial action (treatment) chosen at a Superfund site. It also contains site history, site description, site characteristics, activities, contaminated media, the contaminants present, scope and role of response action, and the remedy selected for cleanup. Using RODS, you can search by state, site name, or EPA ID for specific ROD documents, or by keyword (such as a contaminant or remediation type) across all ROD documents. For more information, see <http://cfpub.epa.gov/superrods/>.

TRI Stakeholder Dialogue • EPA has an online national stakeholder dialogue for the Toxic Release Inventory (TRI). Stakeholders may provide feedback on the process for reporting, collecting, processing and releasing TRI data, as well as EPA's program for compliance assistance. Comments will be accepted for 60 days, and posted on the "Virtual Public Meeting" website at: www.epa.gov/tri/programs/stakeholders/outreach.html. A final report summarizing the comments will be issued on the TRI website and in EPA's EDOCKET under docket number OEI-2002-0006. For more information, see the Federal Register notice at: www.epa.gov/tri/programs/stakeholders/fr_notice.pdf.

Computer and Television Recycling • EPA and state environmental agencies in the U.S. Mid-Atlantic region announced results of the "eCycling" pilot project, the nation's first collaboration between state government agencies and the electronics industry to reuse and recycle old computer equipment, televisions and other electronic products. eCycling, evaluates different methods of collecting end-of-life electronics, compiles data about the costs of collecting, transporting and processing electronics, and helps define the roles and responsibilities of government, consumers, electronics manufacturers, retailers, and recyclers in recycling. For more information about this initiative and electronics recycling in general, please visit the eCycling website at: www.epa.gov/reg3wcmd/eCyclingwaste.html

CONFERENCES AND EVENTS



Event	Date	Where	Information
NEPA Workshop:	December 4-5, 2002	San Francisco, CA	This two-day course is designed for individuals new to NEPA, as well as those practitioners needing a refresher class. The course focuses on case studies of federal actions requiring NEPA review and provides practical lessons from the field. NEPA veterans share the lessons they have learned that can help sharpen your NEPA skills and the way you approach some of the common problems EIS and EA preparers encounter. Call Tetra Tech at 877-468-3872 or email at fall2002@ttsfo.com
SERDP/ESTCP Partners To Host Annual Symposium and Workshop	December 3-5, 2002	Washington, DC	The Strategic Environmental Research and Development Program (SERDP) and the Environmental Security Technology Certification Program (ESTCP) are announcing their 2002 Partners in Environmental Technology Technical Symposium & Workshop. The theme this year is "Meeting DoD's Environmental Challenges," and the technical program will feature comprehensive sessions illustrating how SERDP and ESTCP are assisting the Department of Defense in addressing increasingly complex environmental challenges. For more information e-mail partners@hgl.com or call (703) 736-4548.
Florida stormwater workshop	December 4, 2002	Orlando, FL	A detailed conference agenda with registration form is online at http://www.dep.state.fl.us/water/stormwater/docs/npdes/ . The telephone number for questions regarding the conference is (888) 221-3124 or (850) 561-0904. You can also e-mail the conference organizers at mailto:stormwater@earthlink.net .
ITRC UNVEILS UXO BASIC TRAINING COURSE	December 10-11, 2002	Monterey, CA	The training focus is on educating people working on or concerned about identifying, investigating, and cleaning up sites contaminated with military explosive munitions, which may pose a danger to the public. XO Basic Training promises to enhance the investigation and effective responses to UXO-contaminated sites located in every state of the union. ITRC's Basic. For more information and to register, please see the ITRC Web site at www.itrcweb.org or contact Stacey Kingsbury at stacey_kingsbury@wpi.org .

In Situ Treatment of Groundwater Contaminated with NAPL	December 10-12, 2002	Chicago, IL	EPA's Technology Innovation Office, in cooperation with EPA Region 5 and the Interstate Technology and Regulatory Council will present a technology transfer seminar on current experience and future directions in Non-Aqueous Phase Liquid (NAPL) Remediation. The seminar will be of particular interest to regulators, responsible parties and consultants involved in the remediation of petroleum refineries, wood treaters, former manufactured gas plant sites, dry cleaners, and sites with chlorinated solvent contamination. For agenda, logistics information, and to register, see http://www.emsus.com/napl/regform.cfm .
EPA UXO Course	January 28-30, 2003	San Francisco, CA,	To provide an overview of technical training essential to project managers involved in the investigation and cleanup of ordnance and explosives at CTT ranges, and other closed or closing ammunition sites such as ammunition depots, storage areas, and manufacturing areas. The training is intended to give technical project managers enough knowledge of OE issues to prepare for, plan and conduct an OE investigation. The Systematic Planning Process (SPP) is emphasized as a model for project planning. Murray Newton Newton.Murray@epamail.epa.gov Tel: (703)-603-8704, Margaret Clark clarkmar@versar.com Tel: (703)-642-6847
23rd Army Science Conference¹	December 2-6, 2002	Orlando, FL	The 23rd Army Science Conference (ASC) is sponsored by the Assistant Secretary of the Army (Acquisition, Logistics and Technology) (ASA)(ALT). The theme for this year's conference is "Transformational Science & Technology for the Army...a race for speed and precision." There is also a Call for Papers. Abstracts are due July 17, 2002 and will be submitted to the Army Science Conference Website: www.asc2002.com . See the website for additional information. TMC Design Corporation, telephone (757) 357-4011, fax (757) 357-5108, or e-mail: asc2002info@aol.com
2002 Ground Water Expo	December 9-12, 2002	Las Vegas, NV	The National Ground Water Association's 2002 Ground Water Expo promises education and networking opportunities for ground water professionals around the world. Premiering this year will be a unique series of technology demonstrations sponsored by The HDD Well Team of Arvada, Colo., to showcase the latest in ground water monitoring equipment. Julie Shaw, NGWA, phone: 1-800-551-7379 email: jshaw@ngwa.org
Defense State Memorandum of Agreement (DSMOA) Regional Training	February 11 – 12, 2003	Orlando, FL	The Air Force will conduct a DSMOA/CA regional training session in for military installation located in the Southeast US. Details of the training session will be announced in the near term. Primary contact is Mike Garrison, mailto:mike.garrison@brooks.af.mil
Seminars on Intrusion of Vapors into Indoor Air	February 25-26, 2003	Atlanta, GA	The U.S. Environmental Protection Agency will sponsor seminar on the potential for intrusion of vapors from soil or groundwater sources into indoor air. The seminars will introduce new EPA guidance and provide state-of-the-science information about important technical issues to regulators and decision makers from federal, state and local governments as well as interested parties from industrial facilities, consultants and the private sector. Registration is now open to the public for seminar. To register, please visit EPA's web site at http://www.epa.gov/ttnrmrl/indoorair.htm



Environmental Lessons Learned • The Directorate of Environmental Integration (DEI), U.S. Army Engineer School (USAES) is the proponent for the integration of environmental considerations across the domains of Doctrine, Organization, Training, Leader Development, Materiel, Personnel and Facilities (DOTLMPF). DEI requests your assistance in collecting environmental issues/lessons. This information will be consolidated and published in a Combined Arms for Lessons Learned Newsletter to be published in FY 2003. DEI is requesting feedback on environmental concerns relating to: operational deployments, training issues (both home station and at combat training centers), range and maneuver training sustainments, and relating to leader/soldier/civilian developmental training. You may submit your input to: http://www.wood.army.mil/ENVIRON/en_hp.html. The point of contact for this action is Mike Walker, Environmental Training Specialist at mike.dean.walker@us.army.mil or Robert Chartier, Environmental Training Specialist at robert.chartier@us.army.mil or phone 573-563-4119.

USAEC Actions on Surface Coating National Emissions Standards for Hazardous Air Pollutants (NESHAP) • Within the next two years, EPA plans to finalize five different NESHAPs that will affect most of the Army's surface coating operations. These upcoming NESHAPs have the potential to paralyze the Army's surface coating operations in a mess of record-keeping requirements. The simultaneous record keeping required by all five of these NESHAPs would simply be impossible. Only the military faces this problem because civilian organizations usually specialize in one type of work and are normally affected by only one of the rules. As a result, EPA has agreed to prepare one NESHAP that the military (and only the military) can use in place of these five. However, to ensure that EPA can prepare this one military-specific NESHAP, the Army must provide EPA with comments on why we cannot comply with each of the five NESHAPs separately. Having already commented on the Large Appliance, Metal Furniture, and Fabric Surface Coating NESHAPs earlier this year, USAEC has just submitted comments on the Miscellaneous Metal Parts and Products Surface Coating NESHAP. Comments on the Plastic Parts and Products Surface Coating NESHAP are to be submitted in late spring. Over the next year, DoD and EPA will prepare a military specific NESHAP.

Name Change • On 1 October 2002, the Environmental Compliance Assessment System (ECAS) program changed its name to Environmental Performance Assessment System (EPAS). This change in title reflects the transition to change auditing focus from environmental compliance to Environmental Management Systems (EMS). As installations become more involved in internal auditing and identifying and correcting compliance deficiencies, the ECAS/EPAS program will begin to assume a guidance/support role in identifying and providing assistance with environmental program management issues.

Status of the New Web-based Software • The new Web-based, interactive ECAS software, which will be used for internal and external installation assessments, has just completed beta testing. External assessors will be trained on the software at the end of November 2002. Training will be provided to the internal/installation assessors throughout FY 2003. More details will be provided as the training plan is finalized.

Mandatory Internal Auditing Memo • The Assistant Chief of Staff for Installation Management (ACSIM) released a memo on 18 October 2002, providing guidance on the new requirements for installations to annually perform internal assessments. As of 1 October 2002, installations will develop Installation Internal Assessment Plans (IIAP) to ensure they meet the requirements for internal assessments, stated in AR200-1. Installations will submit these plans to their respective Regional Headquarters by 1 October 2003. An IIAP guidance document is being provided, along with a copy of the memo, to the ECAS personnel at the Regional offices.



Biodiesel Impacts on Exhaust Emissions (EPA420-P-02-001) EPA is releasing a comprehensive analysis of emission impacts of biodiesel based on publically available data. The study used a statistical regression analysis to correlate the concentration of biodiesel in conventional diesel fuel with changes in regulated and unregulated pollutants. The majority of available data was collected on heavy-duty highway engines. Basic findings in the report suggest the following - NOx emissions increase by about 10% for 100 percent biodiesel (B100) over conventional diesel. The rate of increase is roughly linear (i.e. 2 % NOx increase for B20)- PM and CO emissions decrease by about 50% for B100 over conventional diesel. The rate of decrease is roughly linear (i.e. 25% PM and CO decrease for B50) - Hydrocarbon emissions decrease by about 65% for B100 over conventional diesel. The rate of decrease is roughly linear (i.e. 33% HC decrease for B50) - Biodiesel is also predicted to reduce fuel economy by 1-2 percent for a 20 volume percent biodiesel blend. - emissions impacts varied depending on the type of biodiesel (soybean, rapeseed, or animal fats) and on the type of conventional diesel to which the biodiesel was added. - emission impacts of biodiesel did not appear to differ by engine model year. - insufficient data is available to make any predictions concerning the impacts of biodiesel use on emissions from light-duty diesel vehicles or diesel-powered nonroad equipment. <http://www.epa.gov/otaq/models/biodsl.htm>

Urban Stormwater BMP Performance Monitoring (EPA Recent Additions) EPA has released their Urban Stormwater BMP Performance Monitoring Guide (EPA-821-B-02-001). The manual provides practical assistance in conducting water quality monitoring and reporting useful data for assessing effectiveness of stormwater best management practices (BMPs). This manual provides a recommended set of protocols and standards for collecting, storing, analyzing, and reporting BMP monitoring data. Many studies have assessed the ability of stormwater treatment BMPs to reduce pollutant concentrations and loadings in stormwater. Although some of these monitoring projects conducted to date have done an excellent job of describing the effectiveness of specific BMPs and BMP systems, there is a lack of standards and protocols for conducting BMP assessment and monitoring work. These problems become readily apparent for persons seeking to summarize the information gathered from a number of individual BMP evaluations. Inconsistent study methods, lack of associated design information, and reporting protocols make wide-scale assessments difficult. <http://epa.gov/waterscience/stormwater/montcomplete.pdf>

Evaluating Hydrocarbon Removal from Source Zones and its Affect on Dissolved Plume Longevity and Concentration (API 4717). • This report was published by the American Petroleum Institute (API). It provides information for regulators and practitioners interested in understanding the possible benefits of free-product removal. It provides theory and concepts needed to evaluate LNAPL source distribution, chemistry, dissolution and the effects various remediation strategies may have on risk-reduction for the groundwater and vapor exposure pathways. The companion software, API-LNAST, links the multiphase and chemical processes controlling in situ LNAPL distribution, mobility, and cleanup to quantify estimates of the time-dependent concentrations within the LNAPL source and the down gradient dissolved plume. API-LNAST users can screen whether incremental LNAPL removal provides any risk-reduction benefit over a time frame of interest, e.g., 30 years (September 2002, Full Report 274 pages). Various download options, see <http://www.api.org/lnapl>.

Environmental Effects & Dredging and Disposal Database (E2-D2). This database was developed by the U.S. Army Corps of Engineers. • E2-D2 is a literature database comprised of technical references covering a diverse range of topics related to environmental effects of dredging and dredged material disposal projects. The database focuses on broad topics such as beneficial uses of dredged material, contaminated sediments, and effects of sediment resuspension and sedimentation on aquatic organisms and their habitats. Much of the technical literature pertaining to dredging and dredged material disposal is found in the gray literature, i.e., non-peer-reviewed federal or state agency publications, or proceedings of symposia and specialty conferences. For more information, see <http://www.wes.army.mil/el/e2d2/index.html>.

One-Stop Shopping for USGS Information on Remediation Projects. • A new series of web pages is available on U.S. Geological Survey (USGS) information on projects and activities related to the remediation of contaminated sites. The projects are categorized by type (e.g., testing of remediation technologies, natural attenuation evaluation, performance monitoring, site characterization) and contaminant. This is the first time that this USGS information has been available in one place. This series of web pages and links is sponsored by the USGS's Toxic Substances Hydrology Program. You can view the pages at <http://toxics.usgs.gov/topics/remediation.html>.

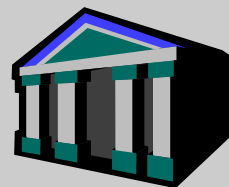
Elements for Effective Management of Operating Pump and Treat Systems (EPA 542-R-02-009). This fact

sheet was produced by the EPA Office of Solid Waste and Emergency Response. It summarizes key aspects of effective management for operating pump and treat systems. It was developed from lessons learned from conducting system evaluations at 20 operating Superfund pump and treat sites. The lessons learned should be relevant to most pump and treat systems whether or not the system is operated under Superfund (October 2002, 18 pages). View or download at <http://clu-in.org/techpubs.html>.

Economic Analysis of the Implementation of Permeable Reactive Barriers for Remediation of Contaminated Ground Water (EPA 600-R-02-034). This report was produced by the U.S. EPA National Risk Management Research Laboratory. It presents an analysis of the cost of using permeable reactive barriers to remediate contaminated ground water. When possible, these costs are compared with the cost of pump-and-treat technology for similar situations. Permeable reactive barriers are rapidly maturing and may be considered as a standard remediation technology, similar to pump-and-treat (June 2002, 42 pages). View or download at http://www.epa.gov/ada/download/reports/epa_600_r02_034.pdf.

Spill Prevention Control and Countermeasures (SPCC) Rule Revisions and Impact to Army Facilities. On 17 July 2002, EPA published revisions to the Oil Pollution Prevention rule (67 FR 47042) that will affect most Army installations. Each installation must now reevaluate their need for, and if necessary, amend their existing Spill Prevention Control and Countermeasures Plan (SPCCP). In many aspects the rule is good news for the Army, as some installations may no longer be required to maintain an SPCCP, Plan review time periods are extended from three years to five years, and containers with a capacity of less than 55 gallons are exempted. However, the revisions may also have a negative impact to installations that will be required to update their Plan. The short timeline for Plan amendments, which must be certified by a Professional Engineer (PE), is of particular concern. Spill Plans must be amended by 17 February 2003 and the installations must implement those amendments by 18 August 2003. We recommend you contact your Regional EPA office should a time extension be required. To assist installations in assessing impact of the new SPCC rule revisions, the USAEC has recently published a rulemaking summary, which identifies the major changes to the rule. In addition to the time restraints for Plan amendments, secondary containment requirements for mobile storage containers (which includes mobile fuel tanker trucks) are not clear in the new rule. The USAEC, in a combined effort with the DOD Clean Water Act Services Steering Committee, requested that EPA provide additional clarification associated with secondary containment provisions at fuel/oil tanker truck loading racks. The USAEC will provide additional guidance to installations when the EPA clarifies these requirements. However, until that time, an environmental alert has been drafted and will be sent to installations to increase their knowledge of the new regulations. Please contact Jim Ayers for more information regarding this topic.

FEDERAL - NOTICES AND RULEMAKING



CAA

National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works (67 FR 64741 October 21, 2002) EPA is amending the National Emission Standards for Hazardous Air Pollutants (NESHAP) for publicly owned treatment works (Oct 26, 1999). These amendments are based on a settlement agreement with the Pharmaceutical Research and Manufacturers of America (PhRMA). The rule eliminates the applicability provisions that established requirements for Area Source POTWs that receive wastewater from NESHAP regulated Major Sources. However, the rule is broadened to apply industrial wastewater requirements (except permitting requirements) to area source POTWs. Robert Lucas, Emission Standards Division, EPA, Research Triangle Park, NC, (919) 541-0884, lucas.bob@epa.gov.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr21oc02-12

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr21oc02-12.pdf

Control of Emissions From Nonroad Large Spark-Ignition Engines, and Recreational Engines (Marine and Land-Based) (67 FR 68241 November 8, 2002) EPA is adopting emission standards for large, nonroad spark-ignition engines such as those used in forklifts, airport ground-service equipment, recreational vehicles, off-highway motorcycles, all-terrain vehicles, snowmobiles and marine diesel engines that have not been subject to EPA emission standards. The rule establishes four new CFR parts (40 CFR 1048, 1051, 1065, and 1068. For Large SI engines, EPA is adopting a two-phase program. The first phase of the standards go into effect in 2004 and are the same as those adopted in October 1998 by the California Air Resources Board for 2004. The standard is supplemented in 2007 by setting limits that will require optimizing the same technologies. New requirements for evaporative emissions and engine diagnostics also start in 2007. Overall, the gasoline- equivalent fuel savings associated with the anticipated changes in technology resulting from this rule are estimated to be about 800 million gallons per year once the program is fully phased-in. Allen Staut, EPA, (734) 214-4805, asdinfo@epa.gov
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr08no02-12

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr08no02-12.pdf

CWA

Measurement of Mercury in Water; Revisions to EPA Method 1631 (67 FR 65876 October 29, 2002) EPA is approving Method 1631E for determination of mercury in aqueous samples. The new method replaces the previous version of Method 1631. EPA Method 1631E clarifies quality control and sample handling requirements and allows flexibility to incorporate additional available technologies. This rule also amends the requirements regarding preservation, storage, and holding time for low level mercury samples. William Telliard; EPA, Washington, DC, (202) 566-1061, telliard.william@epa.gov.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr29oc02-4

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr29oc02-4.pdf

Test Procedures for Analysis of Pollutants Under the CWA and SDWA (67 FR 65219 October 23, 2002) EPA is revising wastewater and drinking water regulations to include updated versions of test procedures for the determination of chemical, radiological, and microbiological pollutants and contaminants in wastewater and drinking water. The updated versions of analytical methods have been published by one or more of the following organizations: ASTM International, the USGS, the DOE, the APHA, the AWWA and the Water Environment Federation (WEF). Previously approved versions of the methods may continue to be used. Wastewater - Khouane Ditthavong, EPA, Washington, DC, 202-566-1068, Ditthavong.Khouane@epa.gov.

Drinking water - Herbert J. Brass, EPA, Cincinnati, OH, Brass.Herb@epa.gov. http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr23oc02-20

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr23oc02-20.pdf

EPCRA

Toxic Chemical Release Reporting; Community Right-To-Know; Notice of On-Line Dialogue (67 FR 63656 October 15, 2002) EPA will hold an on-line public dialogue for 60-days from October 16, 2002 to December 17, 2002 as part of a national Stakeholder Dialogue on the TRI Program to seek suggestions and ideas on their methods for reporting, collecting, processing, and releasing TRI data. Instructions for participating in the on-line dialogue are posted at EPA's TRI Web site: <http://www.epa.gov/tri/programs/stakeholders/outreach.htm>. EPA has released three issue papers intended to provide background and help focus the on-line dialogue: TRI Data Collection, Processing and Management, TRI Data Release and TRI Compliance Assistance The issue papers are available at:

<http://www.epa.gov/tri/programs/stakeholders/background.htm> Further Information: Annette Marion, EPA Office of Environmental Information, (202) 566-0731; marion.annette@epa.gov.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr15oc02-83

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr15oc02-83.pdf

Availability of Final Toxicological Profiles (ATSDR-188 10/24/2002) Agency for Toxic Substances and Disease Registry (ATSDR), has released seven updated final toxicological profiles of priority hazardous substances.

Compounds covered by the profiles include: 1. Aldrin, Dieldrin 2. Beryllium 3. Creosote, Coal Tars, Coal Tar Pitch 4. DDT, DDD, DDE 5. Di (2-ethylhexyl) phthalate 6. Hexachlorobenzene 7. Methoxychlor. The toxicological profiles are available through National Technical Information Service (NTIS) at 1-800-553-6847. Franchetta Stephens, ATSDR, Atlanta, GA, 1-888-422-8737 http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr24oc02-52;
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr24oc02-52.pdf

RCRA

Radioactively Contaminated Cadmium-, Mercury- and Silver-Containing Batteries; National Land Disposal Restrictions Treatment Variance (67 FR 62617 October 7, 2002) EPA is taking direct final action to grant a national treatability variance from the Land Disposal Restrictions (LDR) treatment standards for radioactively contaminated cadmium-, mercury-, and silver-containing batteries, in response to a rulemaking petition from the Department of Energy. The current treatment standards of thermal recovery for cadmium batteries and of roasting and retorting for mercury batteries are technically inappropriate, because any recovered metals would likely contain residual radioactive contamination and not be usable. Macroencapsulation in accordance with the provisions for treatment standards for hazardous debris (40 CFR 268.45) is designated as the required treatment prior to land disposal for the new waste subcategories. This will allow safe disposal of these radioactively contaminated materials.

This rule is effective on November 21, 2002 without further notice, unless EPA receives adverse comment by November 6, 2002. Further Information: John Austin. EPA Office of Solid Waste, Washington, DC, 703-308-0436, austin.john@epa.gov;

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr07oc02-31

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr07oc02-31.pdf

STATES



ALABAMA

Final Rules

Permit application fees. (Ch. 335-1-6) The Alabama Department of Environmental Management (ADEM) has finalized its various permit application fees. The increased fees include: (1) water quality certification and project reviews for commercial or residential development; (2) coastal use permits for construction on beaches or dunes; (3) project review for groundwater extraction from a well having a capacity of 50 gallons per minute or more; (4) hazardous waste permits; (5) initial registration for wastewater discharge permits; (6) class V injection wells; (7) initial registration for water supply permits; (8) solid waste permits; and (9) a new fee schedule for construction stormwater permits. The new permit fees became effective 10/04/02.

<http://www.adem.state.al.us/PublicHearings/PubHearings.htm> Contact: Mr. Russell Kelly (205) 271-7771

Proposed Rules

Adoption of Federal CAA Rules (335-3-8, 335-3-10, 335-3-11, and 335-3-16) The ADEM is proposing to adopt federal air regulations published between 09/27/01 and 04/11/02 inclusive. The amendments include: (1) NO_x Allowance Tracking System; and (2) NSPS and NESHAPs for hazardous waste combustors.

<http://www.adem.state.al.us/Public%20Notice/Apr/Permit/4Div3.htm> Contact: Lynn Garthright (334) 271-7878

Operator Certification/Wastewater (Div. 335-10-1) The ADEM is proposing to amend its water and wastewater treatment system operator certification requirements. The amendments include: (1) definition of "working experience;" (2) requirement that Grade III wastewater treatment plants must have a certified operator of the same grade or higher present at the plant for a minimum of one 8-hour workshift during the daytime hours of plant operation, five days a week; (3) maintenance of a permanent record of staffing at all Grade I & II wastewater treatment plants and at all Grade II water treatment plants or well sites; (4) specification of how many hours of

training may be substituted for experience; (5) requirement that operators may only hold one water and one wastewater certificate; and (6) revocation of certification for operators that consistently fail to submit operational data as required by the Department. A public hearing was held on November 8, 2002. Comments due November 15, 2002. <http://www.adem.state.al.us/PubHearings/Div10/D10Chapter1%20PROPOSED.doc> Contact: Diane McKeithen (334) 394-4344

Air Standards for combined-cycle electric generating units/ NOX (Chapters 335-3-8-.150) The ADEM is proposing a new rule establishing nitrogen oxides standards for combined-cycled electric generating units starting operation on or after 04/01/03. A public hearing was held on November 11, 2002. Comments due November 11, 2002. <http://www.adem.state.al.us/PubHearings/Div3/Div3Chapter8%20PROPOSED.doc> Contact: Lynn Garthright (334) 271-7878

Phase II Stormwater (Chapters 335-1-1, 335-6-6, and 335-6-12) The Department is proposing to amend its stormwater and sewage sludge rules. The amendments include: (1) adoption of USEPA's phase II stormwater regulations; (2) repeal of state standards for the use or disposal of sewage sludge; and (3) adoption of the forms needed to implement the phase II stormwater regulations.

<http://www.adem.state.al.us/PubHearings/Div1/D1Chapter%201%20PROPOSED.doc>

<http://www.adem.state.al.us/PubHearings/Div6/D6aChapter6%20PROPOSED.doc>

<http://www.adem.state.al.us/PubHearings/Div6/D6aChapter12%20PROPOSED.doc> The department will hold a public hearing on December 9 and extended deadline for comments until December 9, 2002 Contact: John Poole (334) 271-7823

Hazardous Waste (Chapter 335-14-1 et seq.) The Department is proposing to adopt federal hazardous waste standards published between 07/01/01 and 06/30/02. The standards include: (1) hazardous waste incinerator MACT standards; and (2) corrective action management unit standards.

<http://www.adem.state.al.us/PubHearings/PubHearings.htm> The department will hold a public hearing on December 12, 2002. Written comments are due December 20, 2002. Contact: Amy Zachary (334) 271-7730

FLORIDA

Rule Withdrawal

Stormwater/Water (Rule 62-4.050 F.A.C.) The Department withdrew its proposal to amend its stormwater permit fee structure as part of its effort to assume authority for Phase II of USEPA's stormwater program and in response to the Department's experience in administering Phase I. The fee amendments would have included: (1) fee increases for construction operations disturbing five (5) or more acres of land; (2) incorporation, within the fee structure, of a fee for construction operations disturbing at least one (1) acre, but less than five (5) acres, under Phase II of the NPDES stormwater program; and (3) the establishment of fees to be paid by operators of MS4 facilities regulated under Phase II of the NDES stormwater program via the Departments Generic Permit for Stormwater Discharges From Phase II Municipal Separate Storm Sewer Systems (MS4s). The Department withdrew the proposed rule 10/25/02. <http://tlhora6.dep.state.fl.us/onw/publications/2a.pdf> Contact: Fred Noble (850) 921-9382

Proposed Rules

Water/Watershed Management (Chapter 62-40 F.A.C.) The FLDEP completed its 2001 Florida Water Plan and now has drafted amendments to its water resource implementation rules under Chapter 62-40 F.A.C. These rules require that the Department's Office of Water Policy (OWP) coordinate with the Office of the Governor, Florida's five regional water management districts (WMDs), and other agencies to resolve statewide water resource planning and management issues. The following topics in Chapter 62-40 F.A.C. are being considered for amendment: (1) state and district water management plans; (2) regional water supply planning; (3) minimum flows and levels; (4) drought response; (5) water conservation; (6) watershed planning programs; (7) encouragement of the use of local sources of water; (8) protection of public lands in the water use permitting process; and (9) further emphasis on the reuse of reclaimed water. Water plan: <http://www.dep.state.fl.us/water/waterpolicy/docs/FWP%20Dec%202001--DO%20NOT%20EDIT.pdf>

Draft amendments: <http://tlhora6.dep.state.fl.us/onw/publications/2-62-40RuleNoticewithruletextRev%20usedJuly2DT.pdf> Contact: Arnetria Thomas (850) 488-0784

Phase II stormwater permits and fees (Chapters 62-4, 62-620, 62-621, 62-624 F.A.C.) The FLDEP is preparing regulations to implement Phase II of USEPA's stormwater program. The proposed elements of Phase II include: (1) fees for activities regulated under the NPDES stormwater program related to construction and municipal separate storm sewer systems (MS4s); (2) generic permits; (3) federal materials incorporated by reference; and (4) regulation of small Municipal Separate Storm Sewer Systems (small MS4s). The Department has released a draft copy of its rules. The Department expects to have Phase II regulations (and permits) in place by December 2002 that will closely track the Federal regulations. <http://www.dep.state.fl.us/water/stormwater/npdes/#PII%20Rules> Contact: Fred Noble (850) 921-9382

Drinking Water/ Consumer confidence reports (Rule 62-550.824, 62-550.900 F.A.C.) The FLDEP is proposing amendments to rules regulating consumer confidence reports (CCR). The amendments will: (1) clarify the reporting of analytical results; (2) require the inclusion informational and educational statements; (3) incorporate by reference the FRWA/DEP CCR Template Instructions and Template; (4) clarify reporting requirements for community water systems issued variances and exemptions; (5) revise requirements for Internet distribution of CCRs; and (6) clarify CCR distribution requirements. The Department plans to reschedule the adoption hearing because of an administrative error in giving proper notice. Staff believes the final changes will be promulgated in the end of 2002. Page 1108 (Page 18 of 117 of the Adobe Acrobat file): <http://faw.dos.state.fl.us/newfaw/FawVolumeFolders2002/2810/2810.html> Contact: Mr. Gregory Parker (608) 267-3859

Water/Revisions to consumptive use (Chapter 40E-2, F.A.C.) The FL South Florida Water Management District is planning to modify and update its water use rules to reflect new legislative direction, new policy development, and regional water supply plan implementation. Topics to be addressed include: (1) supplemental irrigation requirement; (2) pollution remediation; (3) interference with existing legal uses; (4) use of reclaimed water; (5) wellfield operational plans; (6) diversion and impoundment allocation; (7) permit duration; (8) permit renewal process; (9) impact evaluations; (10) local sources first; (11) aquifer storage and recovery; (12) wetland protection; (13) areas with maximum developable limits; (14) year round water conservation measures; (15) water shortage plans; and (16) fees and forms. <http://www.sfwmd.gov/org/wsd/wateruse/legaluses.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/reuse.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/localsrc.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/pduration.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/offsite.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/pasture.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/pollution.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/sirrigation.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/impact.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/wellops.html>;
<http://www.sfwmd.gov/org/wsd/wateruse/conservation.html>; Contact: Julie Jennison (561) 682-6294

Interim Enhanced Surface Water Treatment/Drinking Water (Chapters 62-550, 62-555, and 62-560 F.A.C.) The FLDEP is preparing revisions to the construction and permitting of public water supply systems. The possible amendments include: (1) incorporating USEPA's Interim Enhanced Surface Water Treatment Rule; (2) amending the state surface water treatment rules by replacing paraphrasing of federal rules with references to federal rules; and (3) moving surface water treatment rules from Chapter 62-555 F.A.C. to Chapter 62-550. Surface water treatment rules also cover public water systems using ground water under the direct influence of surface water. Staff expects a proposal around the end of 2002. Contact: Mr. Gregory Parker (608) 267-3859

Uniform Wetland Assessment (Chapter 62-345 F.A.C.) The FLDEP is drafting regulations to develop a uniform wetland assessment method. The method would be applied to wetland impact applications, associated mitigation, and the awarding and debiting of credits from mitigation banks. The Department has prepared a draft text. <http://www.dep.state.fl.us/water/wetlands/docs/mitigate/62-345d.doc> Contact: Constance Bersok (850) 921-9858

Underground Injection Control/Water (Ch. 62-528 F.A.C.) The Department is proposing to adopt by reference federal rules for Class V injection wells. The rules include: (1) a prohibition of new motor vehicle waste disposal wells; and (2) a prohibition and phasing out of large capacity cesspools.

<http://tlhora6.dep.state.fl.us/onw/publications/5-adoptclassv-Internet.pdf> Written objections were due October 25, 2002. Statements of costs and alternatives were due November 1, 2002. Contact: Donnie McClaugherty (850) 921-9438

Air/Title V (Rule 62-210.200 F.A.C.) The Department is preparing amendments to its Title V air-permitting program. The amendments will: (1) adopt the most recent USEPA definition of "major source;" and (2) revise definitions to account for the renumbering of Rule 62-204.800. Written comments are due 11/27/02. Contact Wendy Alexander (850) 921-9559

GEORGIA

Proposed Rules

TMDLs/ Chattahoochee and Flint River Basins (Chattahoochee and Flint River Basins) The GA DNR is proposing TMDLs for the Chattahoochee and Flint River Basins. For the Chattahoochee River Basin, the TMDLs include: (1) Chattahoochee River for fish consumption guidance for mercury; (2) Upper Chickasawhatchee for sediment; (3) Spring Creek for sediment; (4) Red Oak Creek for sediment; (5) White Creek for sediment; (6) Hazel Creek for sediment; and (7) Mineral Springs Branch for toxicity. For the Flint River Basin, the TMDLs include: (1) Avera Creek for pH; (2) Beaver Creek for fish consumption guidance for mercury; (3) Kinchafoonee Creek for fish consumption guidance for mercury; (4) Patsiliga Creek for fish consumption guidance for mercury; (5) Whitewater Creek for pH; and (6) Sweetwater Creek for pH. Written comments due 10/30/02.

<http://www.epa.gov/region4/water/tmdl/georgia/GApm83002.htm> Contact: Sybil Cole (404) 562-9437

Water Quality Standards (Rule 391-3-6-.03) The GA DNR is proposing regulations regarding water quality standards. The amendments include: (1) add a definition of "marine waters;" (2) a human health fish tissue mercury standard, in accordance with USEPA January 2001 guidance, for deriving a water body trophic-weight residue value; (3) adoption of USEPA's bacteria standard using e. coli as the indicator species; (4) clarification when standard exceedances are not violations; (5) a requirement that water quality samples used in listing or delisting impaired waters must comply with state and USEPA's requirements and be performed by a qualified person or laboratory; (6) amend temperature statement for West Point Lake to make it consistent with references to other lakes; and (7) amendments to streamflows for consistency. The Department will hold a public hearing 11/18/02. Written comments are due 11/18/02. The GA DNR will meet 12/04/02 to review the proposed rule.

http://www.ganet.org/dnr/envIRON/rules_files/propose_files/391-3-6_rul.pdf Contact: Alan W. Hallum (404) 656-4708

Drinking Water Standards (Ch. 391-3-5) The GA DNR is proposing to adopt federal drinking water standards. The federal standards include: (1) source water assessment plans; (2) arsenic maximum contaminant level; (3) consumer confidence reports; (4) consumer notification requirements; (5) radionuclides requirements; (6) filter backwash rule; (7) turbidity sampling; (8) wellhead protection; and (9) reporting requirements. The Department will hold a public hearing 11/04/02. Written comments are due 11/04/02. The Board of Natural Resources will meet 12/04/02.

http://www.ganet.org/dnr/envIRON/rules_files/propose_files/391-3-5_rul.pdf Contact: Tamara Frank (404) 651-6830

CAA NESHAPS (Rule 391-3-1-.01, .02, .15 and 391-3-20.04, .17) The GA DNR is proposing amendments to adopt federal air standards. The amendments include: (1) an effective date of 09/25/02 for its procedures for testing and monitoring sources (PTM); (2) NESHAPs for polyvinyl chloride and copolymers production; (3) NESHAPs for primary copper smelting; (4) NESHAPs for catalytic cracking, catalytic reforming, and sulfur plant units in petroleum refineries; (5) NESHAPs for wet formed fiberglass mat production; (6) NESHAPs for large appliances surface coating operations; (7) NESHAPs for metal coil surface coating operations; (8) NESHAPs for leather finishing operations; (9) NESHAPs for cellulose products manufacturing; (10) NESHAPs for tire manufacturing; (11) a formal addition of a one-year grace period into the transportation conformity rule; (12) removal of an outdated reference date in the onboard diagnostics regulations; and (13) set the repair waiver limit at \$658 for test year 2003. Written comments are due 10/29/02. The Department will hold a public hearing 10/29/02. The GA DNR will meet 12/04/02. Contact: Ron Methier (404) 363-7000

RCRA Adoption of Federal Hazardous Waste Standards (Rules 391-3-11-.02, -.07, -.10, -.11, -.16) The GA DNR is proposing to update its hazardous waste regulations to include the most recent federal amendments. The amendments include: (1) corrective action management unit rule; (2) amendments to NESHAPs for hazardous waste incinerators; (3) clarifying revisions to the mixture rule; (4) listing of chlorinated aliphatics production waste; and (4) vacatur of waste classification for mineral processing characteristic sludges and byproducts being reclaimed. The Department will hold a public hearing 10/31/02. Written comments are due 10/31/02. The GA DNR will meet 12/04/02 to review the rule. Contact: Shirley Dutton (404) 657-8657

KENTUCKY

Final Rules

Underground Tanks (415 KAR 1:140) The Office revised its certification requirements for laboratories that contract with owners or operators of underground storage tanks to perform analytical testing. The revisions: (1) address applicability of the regulation; (2) address the requirements by which analytical laboratories will demonstrate current accreditation; (3) address guidelines for renewal and maintenance of certification; and (4) incorporate by reference the National Environmental Laboratory Accreditation Program (NELAP). The requirements became effective 10/09/02. Contact: James Brannen (502) 564-5981

Proposed Rules

CWA NPDES Permits (401 KAR 5:002, 5:050, 5:055, 5:057, 5:060, 5:070, 5:075) The Kentucky Department of Environmental Protection (KDEP) is proposing amendments to its regulations regarding National Pollutant Discharge Elimination System (NPDES) discharge permits to make them compatible with the corresponding federal regulations. The amendments include: (1) adoption of federal definitions found in 40 C.F.R. Parts 116, 130, 136, and 401-471; (2) treatment levels and effluent limits; (3) pretreatment requirements; (4) permit application requirements; and (5) permit conditions. The Department will hold a public hearing 10/22/02, if interested parties notify the Department of their intent to attend by 10/15/02. Written comments were due 10/15/02. The department approved the amendments. The Administrative Regulatory Review Committee was scheduled to review the rules on November 12, 2002. Contact: Jeffrey W. Pratt (502) 564-3410

CAA NOx (401 KAR 51:001, 51:160) The KDEP is proposing amendments to further implement the NOx SIP Call. The amendments include: (1) new and amended terms to implement auctioning of NOx allowances; (2) general provisions for NOx budget units that start commercial operations after 05/01/01; (3) revisions to the NOx allowance allocation methodology; and (4) removal of provisions which are incorporated by reference which govern the allocation of NOx allowances to NOx budget units. The Administrative Regulation Review committee met on 10/8/02 will review the rule at its November 11, 2002 meeting. Contact: Millie Ellis (502) 573-3382

Cleanup/Brownfield (401 KAR 100:005, 100:100) The KDEP is proposing regulations to implement a voluntary remediation program to encourage the clean up of contaminated properties. The proposed regulation would establish the definitions, general provisions, and implementation for the program, including remediation standards and requirements for the remediation party and the state. Written comments were due 08/28/02 at the public hearing. The Administrative Regulation Review Subcommittee is scheduled to meet 11/12/02 to review the rule. Contact: Michael Mullins (502) 564-6716 ext. 282

MACT/Air Toxics (401 KAR 63:105) The KDEP Department is proposing to amend its Maximum Achievable Control Technology (MACT) standards to adopt regulations regarding case-by-case MACT determinations for sources without MACT standards. <http://www.nr.state.ky.us/nrepc/dep/daq/pubinfo/63-105-Amendment.pdf> The department approved the amendments. The Administrative Regulation Review Committee will review the rules at its November 12, 2002 meeting. The Contact: Carl Millanti (502) 573-3382

Wastewater (401 KAR 5:002, 5:050, 5:055, 5:057, 5:060, 5:070, 5:075) The Department has approved amendments to its regulations regarding National Pollutant Discharge Elimination System (NPDES) discharge permits to make them compatible with the corresponding federal regulations. The amendments include: (1) adoption of federal definitions found in 40 C.F.R. Parts 116, 130, 136, and 401-471, including Phase II stormwater regulations; (2) treatment levels and effluent limits; (3) pretreatment requirements; (4) permit application requirements; and (5) permit conditions. The Department approved the amendments. The Administrative Regulation Review Subcommittee will review the rules at its meeting 11/12/02. Contact: Jeffrey W. Pratt (502) 564-3410

Solid Waste (401 KAR 47:095) The Department is proposing amendments to its fees for solid waste facilities. Owners and operators of contained landfills and construction/demolition debris landfills will be required to collect an environmental remediation fee of \$1.75 per ton. Transfer stations collecting municipal solid waste for transfer out of state will be required to collect an environmental remediation fee of \$1.75 for every 3 cubic yards of compacted waste and \$1.75 for every 5 cubic yards of all other waste. The Department will hold a public hearing 11/25/02.

MISSISSIPPI

Final Rules

Water Quality Standards (Water Quality Criteria for Intrastate, Interstate, and Coastal Waters) The Department conducted its triennial review. The Department adopted following changes: (1) reorganizing the standards and adding section headings for improved readability; (2) under New Criteria, incorporating by reference the latest edition of USEPA's Quality Criteria for Water; (3) specifying that dissolved oxygen levels in open ocean waters cannot drop below 5.0 micrograms per liter; (4) specifying that waterbodies classified as Public Water Supply, Recreation, or Shellfish Harvesting must meet Fish and Wildlife criteria in addition to those of their respective classifications in order to support aquatic life; (5) expanding the acceptable range for pH; (6) incorporating USEPA's 1999 Ambient Water Quality Criteria for Ammonia; (7) specifying that the not-to-be-exceeded value for criteria shall be use when establishing TMDLs; (8) specifying the test method for the bacteria criterion for Public Water Supply, Recreation, and Fish and Wildlife waters; and (9) designating the following waterbodies for Recreation: Back Bay of Biloxi, Big Lake, Old Fort Bayou, Shadow Lake, and Simpson County Legion Lake. The Department adopted the regulations effective 12/01/02. [http://www.deq.state.ms.us/newweb/opchome.nsf/pages/PublicNoticefiles/\\$file/WQS_standardsDocument-FINAL%20DRAFT%20FOR%20PUBLIC%20COMMENT.pdf](http://www.deq.state.ms.us/newweb/opchome.nsf/pages/PublicNoticefiles/$file/WQS_standardsDocument-FINAL%20DRAFT%20FOR%20PUBLIC%20COMMENT.pdf) Contact: Leslie Barkley (601) 961-5328

Proposed Rules

RCRA Hazardous Waste Management Regulations (Part 260 et seq.) The MDEQ is proposing to adopt USEPA hazardous waste regulations published since 03/17/00. The amendments will: (1) vacate the regulatory provisions governing the identification of organobromine production waste as listed hazardous wastes and modify the Land Disposal Restriction (LDR) treatment standards by deleting these waste and associated waste treatment standards; (2) list as hazardous two waste streams generated by the chlorinated aliphatics industry and finalize the determination not to list as hazardous four additional wastes streams; (3) defer a portion of the rule applying Land Disposal Restrictions (LDR) to constituents subject to treatment in soils contaminated with certain characteristic hazardous wastes (PCBs); (4) provide increased flexibility through regulatory change to facilities that manage low-level mixed waste (LLMW) or accelerator produced radioactive material (NARM) containing hazardous waste; (5) list as hazardous three waste streams generated by the inorganic chemical manufacturing processes and establish treatment standards under the Land Disposal Restriction (LDR) program; (6) amend the 1993 Corrective Action Management Unit (CAMU) Rule, Rule changes include restrictions on waste types allowed in CAMU's, increased design requirements, establishment of treatment standards for wastes placed in CAMUs, and requirements for additional information and public participation in CAMU applications; (7) set interim emission standards for hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes; and (8) list as hazardous two waste streams generated by the paint production industry and establish treatment standards under the Land Disposal Restriction (LDR) program. The Department was scheduled to conduct a public hearing on 9/12/02. Contact Jerry Banks (601) 961-5221

NORTH CAROLINA

LEGISLATIVE

Clean Up, Hazardous Waste, Environmental Administrative Procedures (North Carolina H.B. 1564) Final version provides the Department of Environment and Natural Resources (DNER) with explicit authority to assess a penalty up to 25,000 a day for a violation involving a voluntary remedial action under the inactive hazardous sites program Effective October 9, 2002. Restricts secretary of DNER ability to waive any requirements to obtain a permit unless CERCLA removal or remedial action.

<http://www.ncleg.net/html2001/bills/CurrentVersion/house/hbil1564.full.html>

Land Use Growth Management (North Carolina S.B. 1252) Final version. Creates Conservation Grant Fund within DENR for purpose of stimulating use of conservation easements and to improve the capacity of private nonprofit land trust organizations to successfully accomplish conservation projects on properties with high ecological value.

<http://www.ncleg.net/html2001/bills/AllVersions/Senate/S1252vr.html>

REGULATORY

Final Rules

Coastal Zone Management (15A NCAC 07H.1101, .1201, .1301, .1401, .2001, .2101, .2201, and .2401) The DENR has approved amendments to its regulations regarding eligibility for Coastal Area Management Act (CAMA) and dredge and fill general permits. The changes would allow more projects to become eligible for CAMA and dredge and fill general permits if they are located on the sound side of a barrier island and within the Ocean Hazard Area of Environmental Concern (AEC). Presently, many general permits are prohibited from being used within the Ocean Hazard AEC. Recently, the High Hazard Flood Area component of the Ocean Hazard Area has been significantly expanded across entire portions of some barrier islands. This has caused a delay in the permitting process for many projects, which could have been routinely, permitted by a general permit had not it been for the expansion of the High Hazard Flood Area. Because of these expanded flood areas, the Coastal Resources Commission feels that there is a need to expand the geographical area that general permit may be issued. The Commission approved the amendments. The amendments will become effective 04/01/03 if the General Assembly does not introduce a bill disapproving the amendments by the 30th legislative day of the 2003 session.

<http://dcm2.enr.state.nc.us/Rules/1101gp.htm>; <http://dcm2.enr.state.nc.us/Rules/1201gp.htm>;
<http://dcm2.enr.state.nc.us/Rules/1301gp.htm>; <http://dcm2.enr.state.nc.us/Rules/1401gp.htm>;
<http://dcm2.enr.state.nc.us/Rules/2001gp.htm>; <http://dcm2.enr.state.nc.us/Rules/2101gp.htm>;
<http://dcm2.enr.state.nc.us/Rules/2201gp.htm>; <http://dcm2.enr.state.nc.us/Rules/2401gp.htm>

Contact: Charles S. Jones (252) 808-2808

Air/OpaCity (15A NCAC 2D.0521) The Department has approved amendments to its opacity standard. The amendments will: (1) exempt sources with more specific opacity standards from this rule; (2) specify that sources exempt from this rule still must comply with federal requirements for excess emissions; and (3) specify that sources subject to continuous opacity monitoring systems cannot exceed the opacity for more than 10 six minutes periods in any 24-hour period. The Department approved the amendments and filed them with the Rules Review Commission for review. After approval from the Commission, the rules will become effective if the General Assembly does not introduce a bill before the 31st legislative day of the 2003 session disapproving of the rules. Register page 213 (Page 80 of 205 in the Adobe Acrobat file): <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf>
Contact: Tom Allen (919) 733-1489

Water Effluent Standards (15A NCAC 02H.0103, .0106) The Department has approved standards for wastewater discharges associated with chemical and biological decontamination activities. The standards include: (1) discharges of decontaminated wastewater are deemed permitted in emergency situations; (2) a deemed permit for discharges associated with biological or chemical decontamination activities performed as a result of an emergency declared by the Governor or the Director of the Division of Emergency Management and that are conducted by or under the direct supervision of the federal or state on-scene coordinator; and (3) a requirement that these discharges are not radiologically contaminated. This rule was prompted by fears of foot-and-mouth disease and the potential discharges of any potential decontaminating activities. The Commission approved Rule .0106 as rewritten. If not disapproved by the General Assembly during the 2003 legislative session, the standards would become effective 04/01/03. Page 2064 (Page 10 of 80 of the Adobe Acrobat file): <http://oahnt.oah.state.nc.us/intranet/register/Volume16Issue19.pdf>
Contact: Steve Lewis (919) 733-5083

Vapor Recovery Systems/Air (15A NCAC 02D .0927, .0932, .0960) The Department has approved revisions to 15A NCAC 02D .0927, Bulk Gasoline Terminals, and .0932, Gasoline Truck Tanks and Vapor Collection Systems. The revisions will: (1) specify the requirements for tank degassing; (2) require tank trucks to have their leak-tight certification be done by a certified tester; and (3) procedures for the Department to certify those testers. The Department approved the amendments and filed them with the Rules Review Commission for review. After approval from the Commission, the rules will become effective if the General Assembly does not introduce a bill before the 31st legislative day of the 2003 session disapproving of the rules. Register pages 217 and 223 (Pages 84 and 90 of 205 in the Adobe Acrobat file): <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf> Contact: Tom Allen (919) 733-1489

CWA Water Quality Standards (15A NCAC 2B.0208, .0211, .0212, .0214 -- .0216, .0218) The DENR has approved amendments beginning its triennial review of water quality standards contained in 15A NCAC 2B.0100s,

2B.0200s, and 2B.0300s. The proposed changes from the review include: (1) USEPA's ambient water quality criteria for bacteria -- 1986 or a scientifically defensible alternative; (2) USEPA's recommended national water quality criteria or a scientifically defensible alternative for mercury, ammonia, and arsenic; (3) turbidity; (4) cyanide; (5) methylene blue active substances -- surfactants and foaming agents (MBAS); (6) total residual chlorine; (7) methyl tert-butyl ether (MTBE); and (8) proposed USEPA national nutrient criteria for lakes, streams, rivers, estuaries, and wetlands. The review will not include regulations outside these chapters, the Tar-Pimlico or Neuse River NSW Management Strategies, or pollutant management strategies. The Department approved the amendments and filed them with the Rules Review Commission for review. After approval from the Commission, the rules will become effective if the General Assembly does not introduce a bill before the 31st legislative day of the 2003 session disapproving of the rules. Register page 48 (Page 52 of 116 in the electronic version)

<http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue01.pdf> Contact: Dianne Reid (919) 733-5083

SDWA MCL for Arsenic (15A NCAC 18C.1510) The DENR is proposing to amend the maximum contaminant level (MCL) for arsenic to be consistent with the federal standard, which was promulgated on January 22, 2002. This federal rule is applicable to community and non-transient non-community water systems and lowers the MCL for arsenics from .05mg/L to .01mg/L. The proposed changes include a new reportable level of 0.005 mg/L for certified laboratories and the MCL of 0.01mg/L. Water systems with arsenic in excess of MCL from the latest compliance sample must submit by January 1, 2005 a compliance schedule to the Division of Environment, Health, and Public Water Supply Section. Written comments were due 8/14/02. The Department approved the amendments and filed them with the Rules Review Commission for review. If approved by the Commission and the General Assembly, the amendments will become effective 04/01/03. See page 128 in the register (page 20 of the PDF file).

<http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue02.pdf> Contact Linda F. Raynor (919) 715-3225

CAA/Visible Emissions/Opacity (15A NCAC 2D.0521) The DENR has approved amendments to its opacity standard for all fuel burning sources and other processes that may have visible emissions. The amendments will: (1) exempt sources with more specific opacity standards from this rule; (2) specify that sources exempt from this rule still must comply with federal requirements for excess emissions; and (3) specify that sources subject to continuous opacity monitoring systems cannot exceed the opacity for more than 10 six minutes periods in any 24-hour period. Written comments were due 9/3/02. **The Department approved the amendments and filed them with the Rules Review Commission for review. After approval from the Commission, the rules will become effective if the General Assembly does not introduce a bill before the 31st legislative day of the 2003 session disapproving of the rules.** Register page 213 (Page 80 of 205 in the Adobe Acrobat file): <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf> Contact: Tom Allen (919) 733-1489

Proposed Rules

Air/CAA MACT (15A NCAC 02D.1109, 02Q.0526) The DENR is proposing to adopt the federal requirements for implementing case-by-case MACT determinations when USEPA fails to set a MACT standard in a timely manner. The Department held a meeting on August 20, 2002. Written comments were due September 3, 2002. Register pages 224 and 228 (Pages 91 and 95 of 205 in the Adobe Acrobat file)

<http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf>

Contact: Tom Allen (919) 733-1489

CWA/Stormwater Phase II (15A NCAC 02H.0126) The DENR has drafted amendments to further implement USEPA's Phase II Stormwater Regulations. These amendments include: (1) criteria to designate certain municipalities, which are not automatically designated, subject to phase II; (2) requirements for petition submittals to designate municipalities subject to phase II; (3) post-construction run-off control criteria; and (4) storm water regulations for communities in which part is automatically designated as subject and part is not. The Department also believes that local governments can rely on the erosion and sedimentation control program (whether implemented by the local government or by state staff) to satisfy the Phase II requirement for construction site stormwater runoff control. Military bases are potentially subject to these regulations because fall into the category of "other MS4s". The Department plans to formally propose the rule by the end of 2002. The USMC submitted comments in writing on the draft amendments. http://h2o.enr.state.nc.us/su/NPDES_Phase_II_Stormwater_Program_Temp_Rule_04300_2.htm

Contact: Darren England (919) 733-5083, ext. 223

Groundwater/Groundwater Quality Standards (15 NCAC 2L.0202) The DENR has drafted amendments to its

Groundwater Quality Standards for nine substances. The substances are: (1) benzoic acid; (2) bis(chloroethyl)ether (BCEE); (3) dibenzofuran; (4) dibromochloromethane; (5) ethyl acetate; (6) hexachlorobutadiene; (7) 2-hexanone; (8) 1,1,2,2-tetrachloroethane; and (9) 1,2,4-trichlorobenzene. The Department will accept written comments while it drafts the proposed rules. Comments were due 10/01/02. Register page 160 (Page 27 of 205 in the Adobe Acrobat file): <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf> Contact: David Hance (919) 715-6169

SOUTH CAROLINA

Proposed Rules

Water/Coastal Zone Management (R. 30-1, 30-8, 30-12) The Department is preparing to amend its regulations related to the permitting of docks and bulkheads in critical areas within the coastal zone. The amendments would: (1) clarify the recording of dock corridors on recordable plats; (2) correct a building code reference for handrails; (3) specify the structures included in the total allowable dock square footage calculation; (4) improve the language describing required water frontage for docks, including adding a definition for waterfront property; (5) clarify when bulkheads are permitted; and (6) specify additional penalty options for violations. See page 22 at the following link: <http://www.lpittr.state.sc.us/register/sr26-6.doc> Written comments were due September 23, 2002. A public hearing was scheduled for October 10, 2002. Contact: Debra L. Hernandez (843) 744-5838, ext. 130

Wastewater/Sewage Disposal (R.61-56) The DHEC is drafting amendments to its regulations for individual onsite wastewater disposal systems. The proposed amendment encompasses procedures and criteria for evaluation of sites, issuance of permits, and installation of individual waste disposal systems. The Department has republished the notice of drafting and has extended the comment deadline to 11/26/02. The Board will hold a public information forum 11/20/02 and a public hearing 1/9/03. Legislative review is required for this rulemaking. See page 20 at the following link: <http://www.lpittr.state.sc.us/register/sr25-11.doc> Contact: Roger D. Scott (803) 896-0647

Hazardous Waste (R. 61-79) The Department is preparing to adopt federal hazardous waste regulations published through 06/30/02. The regulations include: (1) corrective action management unit standards; (2) a clarifying revision to the mixture and derived-from rules; (3) new listings for three inorganic chemical manufacturing wastes including additional toxic constituents and treatment standards for the wastes; (4) deletion of regulatory language vacated by two federal court actions for some mineral processing secondary materials and the application of the Toxicity Characteristic Leaching Procedure to manufactured gas plant wastes; and (5) interim USEPA requirements for Hazardous Air Pollutant Standards for Combustors. The Department is drafting the rules and will accept written comments through 11/29/02. Contact John Litton (803) 896-4000

Water Pollution Control Permits/Stormwater (Reg. 61-9) The Department is proposing amendments to its regulations regarding water pollution control permits. The amendments will: (1) change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control and to supplement other changes published in the State Register and effective July 27, 2001, which resulted from the promulgation of Federal Phase II regulations (Federal Register [FR] December 8, 1999); (2) establish requirements to enhance the viability of wastewater facilities; (3) establish requirements for standard NPDES permit language and/or conditions; (4) establish requirements related to operation and maintenance of wastewater facilities; (5) clarify the application of fecal coliform limits for land application and/or surface waters; (6) make miscellaneous administrative changes such as minor permit modifications, revision to permit-transfer provisions, and authorization of a permit reopener; (7) require control odor with domestic and industrial sludge treatment and discharge; and (8) require wastewater discharge permittees post a sign with the location of their outfall. Written comments were due 10/30/02. The Board of Health and Environmental Control will hold a public hearing 12/12/02. The proposed rule will require legislative review. <http://www.scstatehouse.net/reg/2783.doc> Contact: Andrew Yasinsac (803) 898-4237

TENNESSEE

Proposed Rules

RCRA/Hazardous Waste Fees (*Rules of the TDEC Chapter 1200-1-11*) The Tennessee Department of Environment and Conservation (TDEC) is proposing amendments to its hazardous waste regulations related to fees to include base dollar amounts in addition to a dollar amount assessed on each pound of hazardous waste. The amendments include changes to: (1) permit fees for transporters, storage, and disposal facility (TSD) activities related to response to accidental discharges requiring remedial investigations and onsite treatment; (2) TSD installation identification number application fee; (3) TSD annual maintenance fees; (4) hazardous waste tipping fee; (5) generator fees; and (6) special report fees. The proposed rule was revised and sent to the Attorney General Office for final review. Expected to become effective 10/8/02 See Register page 76 (Page 82 of 105 in the Adobe Acrobat file) <http://www.state.tn.us/sos/pub/tar/2002-05.pdf> Contact: Gerald "Jerry" E. Ingram (615) 532-0850

CAA New Source Review (Rule 1200-3-16-.01) The TDEC is proposing to amend Rule 1200-3-16-.01, which requires the Technical Secretary shall establish on all construction and operating permits, New Source Standards and Requirements for air contaminant sources subject to the New Source Performance Standards (NSPS). The term "New Source Standards and Requirements" means a standard for emissions of air contaminants, which reflects the degree of emissions limitation achievable through the application of the best system of emission reduction, which (taking into account the cost of achieving such reductions and any non-air quality health and environmental impact and energy requirements) the Technical Secretary determines has been adequately demonstrated. Under no circumstances shall the Technical Secretary's determination be less stringent than the federal requirements. The regulation is still undergoing review by the Attorney General Office. Once the review is completed and the proposal is filed with the Secretary of State's office, the Secretary of State has 75 days to review and file the final rule. Register page 84 (Page 91 of 199 in the Adobe Acrobat file): <http://www.state.tn.us/sos/pub/tar/2000-08.pdf> Contact: Malcolm Butler (615) 532-0600

CAA Title V Permits (Ch. 1200-3-9-.01) The TDEC is proposing to amend its regulations for the air construction and operating permit program. The amendments include: (1) increasing the major stationary source threshold for municipal incinerators from 50 tons of refuse per day to 250 tons; (2) amending the definition of "major modification" to exempt pollution control projects, use of clean coal technologies, and reactivation of very clean coal-fired electric utility steam generating units from the definition; (3) amending the definition of "actual emissions" for electric utility steam generating units; (4) adding a definition of "electric utility steam generation unit"; (5) adding a definition of "pollution control project"; (6) adding a definition of "representative actual annual emissions"; (7) adding definitions of "clean coal technology", "clean coal technology demonstration project", and "temporary clean coal technology demonstration project"; (8) adding a definition of "repowering"; and (9) adding a definition of "reactivation of a very clean coal-fired electric utility steam generating unit". The regulation is still undergoing review by the Attorney General Office. Once the review is completed and the proposal is filed with the Secretary of State's office, the Secretary of State has 75 days to review and file the final rule. Register page 30 (Page 36 of 144 in the Adobe Acrobat file) <http://www.state.tn.us/sos/pub/tar/2001-07.pdf> Contact: John D. Patton (615) 532-0554

CAA/Opacity (Rule 1200-3-4-.04) The TDEC is proposing to amend its restrictions against open burning of rubber products by creating an exception for firefighting training. The amendment creates an exception for incidental rubber products such as plumbing, wire insulation, and door frames incorporated into a structure. It does not exempt the burning of buildings where rubber or plastic is used as exterior siding or structural load-bearing elements. The board approved the rule, and now it must go to the Office of General Counsel, then to the Attorney General and then to the Secretary of State. Staff has no estimates for an effective date. Register page 46 (Page 52 of 97 in the electronic version): <http://www.state.tn.us/sos/pub/tar/2002-06.pdf> Contact: Malcolm Butler (615) 532-0600

SDWA/Drinking Water (Ch. 1200-5-1) The TDEC is proposing to adopt USEPA's Long Term 1 Enhanced Surface Water Treatment Rules promulgated 01/14/02. The rule increases microbial protection from viruses, bacteria, and protozoa by requiring greater turbidity control for public water systems serving 10,000 or fewer persons beginning 01/14/05. The Department will present the proposed rule to the board in October 2002. The rule then goes to the General Counsel and Attorney General. The Staff indicates an effective date of spring 2003. <http://www.state.tn.us/environment/dws/LT1ESWTR.pdf> Contact: Robert L. Foster (615) 532-0155

CAA Permit Standards (Rule 1200-3-9-.03(8)) The TDEC is proposing to add a new provision specifying that issuance of a permit containing federal standards does not repeal by implication applicable state standards. In other words, the new provisions clarify that the inclusion of conditions containing federal requirements that are less restrictive than the Department's requirements concerning the same matter does not cause a relaxation of the

CAA Title V Permit Fees (TCA 68-201-105 and 4-5-201et seq.) The TDEC is proposing to amend construction and annual emission fees. The rate at which major source actual based annual emission fees are assessed at \$28.00 per ton for the annual accounting period of July 1, 2002 to June 30, 2003. The rate at which major source allowable based annual emission fees are assessed at \$17.00 per ton for the annual accounting period of July 1, 2002 to June 30, 2003. These annual rates shall be supported by the Division's annual workload analysis that is approved by the Board. A public hearing is scheduled for November 18, 2002. Written comments are due November 18, 2002 See pp. 151-153 <http://www.state.tn.us/sos/pub/tar/2002-10.pdf> Contact: Malcolm Butler (615) 532-0600

Hazardous Waste Management (Rule 1200-1-11et seq. TCA 68-212-106, 68-212-107, 68-212-108, 68-212-109, 68-212-110 and 68-212-114 et seq.) The TDEC is proposing to adopt federal regulations published in the Federal Registers that the EPA made between October 3, 2001 and April 9, 2002 to the corresponding Federal Regulations. Three inorganic chemical manufacturing wastes, K176, K177, and K187, are being added to the list of hazardous wastes. The Corrective Action Management Unit (CAMU) rule is being amended to facilitate cleanups. Emissions standards vacated by the U.S. Court of Appeals are being temporarily replaced until final standards can be established. Mineral processing characteristics byproducts and sludges are being reclaimed as solid waste and Toxicity Characteristic Leaching Procedure (TCLP) is disallowed to be used for determining whether gas plant (MGP) wastes is hazardous are being implemented. The Division has prepared an initial set of draft rules for public review and comment. A public rulemaking hearing is scheduled for November 19, 2002. Written comments are due December 3, 2002. The DRAFT rules may be accessed fro review using <http://www.state.tn.us/environment/swm/swmppo/rules902htm>

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SOUTHERN REGION REVIEW

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